

Message

From: McGill, Thomas [McGill.Thomas@epa.gov]
Sent: 5/24/2019 4:34:21 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Hurl, Kathy [Hurl.Kathy@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: RE: MOA edits/retained waters

Per our discussion on May 21, we need to discuss our review with FDEP prior to our next scheduled meeting on June 4.

Kelly/Rosemary – Would one of you please review the Team’s calendars and work with FDEP to schedule a meeting for sometime next week? Thanks. Tom

From: Hicks, Matt
Sent: Wednesday, May 22, 2019 5:11 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>
Subject: RE: MOA edits/retained waters

I’ve looked at Tori’s language below again and do not have any concerns.

Thanks,

Matt

From: Kupchan, Simma
Sent: Wednesday, May 22, 2019 5:01 PM
To: Speir, Jeffrey <speir.jeffrey@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>
Subject: RE: MOA edits/retained waters

Thanks, Jeff! I agreed and am forwarding your response to the team. See Jeff’s response below, all.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Speir, Jeffrey
Sent: Wednesday, May 22, 2019 4:56 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: MOA edits/retained waters

Yes, the revised language at the bottom of this chain looks good to me.

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Thanks so much!

Jeffrey Speir, Attorney-Adviser
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division
(202) 564-0872

From: Kupchan, Simma
Sent: Wednesday, May 22, 2019 4:45 PM
To: Speir, Jeffrey <speir.jeffrey@epa.gov>
Subject: FW: MOA edits/retained waters

Hi Jeff,

Could you please scroll to the bottom and let us know if you are ok with the proposed approach to enforcement in the FL/Corps MOA?

The rest of us think that

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Let us know what you think. Once we hear from you, we will schedule a follow up call with FL. We postponed our Tuesday call to make sure we had the benefit of your views before speaking to the state.

Thanks!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Nagrani, Kavita
Sent: Wednesday, May 15, 2019 5:29 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>
Subject: RE: MOA edits/retained waters

At least with respect to the enforcement language, after hearing from the COE, the language in the MOA makes sense to me now. My thoughts regarding Tori's proposed fix

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Also, in my notes, I wrote down that we also wanted to look back at Paragraphs C and D again,

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Ex. 5 Deliberative Process (DP)

From: Laycock, Kelly

Sent: Wednesday, May 15, 2019 10:50 AM

To: Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>

Cc: McGill, Thomas <Mcgill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>

Subject: MOA edits/retained waters

All,

Per Tom's request, below are the edits suggested by Tory White (thanks for taking better notes than I Rosemary) for our review and to see if the team feels comfort with the changes. Also I try to summarize where we landed on the Retained Waters issues of interest. Though, if I've mischaracterized or anyone disagrees please comment.

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Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Calli, Rosemary
Sent: Tuesday, May 14, 2019 5:33 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: MOA edit

If memory serves, this was essentially Tori's suggested edit:

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